

REMARKS/ARGUMENTS

Applicants have amended Claims 1-6, 10-13, 18 and 20-21. No new matter was added by these amendments. Claims 1-22 remain in this application. Applicants request reconsideration of this application in view of the above amendments and these remarks and arguments.

The Examiner rejected: Claims 1 and 2 under 35 U.S.C. § 101 as being directed toward non-statutory subject matter; Claims 1, 2, 10 and 11 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as their invention because these claims contain negative limitations of a device being one other than a mobile station; Claims 1-4, 6 and 21 under 35 U.S.C. §103(a) as being unpatentable over Nevoux, et al. (USPN 5,661,806); Claim 5 under 35 U.S.C. §103(a) as being unpatentable over Nevoux, et al. in further view of Jackson (USPN 6,477,387); Claims 7-8 and 10-18 under 35 U.S.C. §103(a) as being unpatentable over Nevoux, et al. and further in view of Roelofsen ("TETRA Security"); Claims 9 and 22 under 35 U.S.C. §103(a) as being unpatentable over Nevoux, et al. in view of Roelofsen ("TETRA Security) and further in view of Roelofsen ("Security Issues for TETRA networks); and Claims 19 and 20 under 35 U.S.C. §103(a) as being unpatentable over Nevoux, et al. in view of Roelofsen and further in view of Marshall (USPN 4888800).

Applicant Hans Sowa and attorney Valerie Davis discussed the above amendments to Claims 1 and 2 with Examiner Bludau on Wednesday, December 13, 2006, during which time the Examiner indicated that the amendments to Claims 1 and 2 which add the language of "wherein the second encryption key is used for encrypting messages for communicating over an air interface" overcome the §101 rejections; and which include the limitations of "infrastructure system device" and removes the language of "other than a mobile station" overcome the §112 rejections of these claims. Applicants have similarly amended Claims 10 and 11 to include the limitations of "infrastructure system device" and remove the language of "other than a mobile stations to, likewise, overcome the §112

rejections of these claims. Applicants, therefore, request that the Examiner remove the §101 and §112 rejections of Claims 1 and 2 and the §112 rejections of Claims 10 and 11.

The Examiner also indicated that the amendments to Claims 1 and 2 overcome the §103(a) rejections of Claims 1-20 based on the Nevoux, et al. reference. The Examiner agreed that including the limitations of “infrastructure system devices” performing all of the functionality of generating, forwarding and storing encryption keys in Claims 1 and 2 is different from what is disclosed in Nevoux, et al., which teaches some of the functionality being performed within a mobile station. Applicants, therefore, request that the Examiner remove the §103(a) rejections of Claims 1-20.

The Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant’s attorney at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

SEND CORRESPONDENCE TO:

Motorola, Inc.
1303 East Algonquin Road
IL01/3rd Floor
Schaumburg, IL 60196
Customer Number: 22917

By: /Valerie M. Davis/
Valerie M. Davis
Attorney of Record
Reg. No.: 50,203

Telephone: 847-576-6733
Fax No.: 847-576-0721
Email: vdavis@motorola.com